

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSHUA SHULTE,

Defendant.

17-CR-548 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


On December 12, 2022, the Court received two letters from Defendant, dated November 23, 2022 and December 1, 2022, copies of which are attached. The letters raise various complaints with respect to Defendant's conditions of confinement.

The Court ORDERS that (1) defense counsel promptly visit with Defendant; and (2) defense counsel and the Government promptly confer with one another, and the MDC, to ensure that Defendant is receiving adequate mental health care.

Beyond that, the Court will not take any action in connection with the letters, both because Defendant is represented by counsel (except as to his post-trial motions, which are unrelated to the subject matter of his letters), *see, e.g., United States v. DiPietro*, No. 02 Cr. 1237 (SWK), 2007 WL 3130553, at * 1 (S.D.N.Y. Oct. 17, 2007) ("Pursuant to its docket-managing authority, a district court may reject purported *pro se* motions filed by a represented defendant."); *United States v. de la Cruz*, No. 06 CR 1091 (SAS), 2007 WL 2325860, at *3 n.46 (S.D.N.Y. Aug. 13, 2007) (noting that a court has discretion to accept — and, by implication, reject — *pro se* submissions from a represented criminal defendant), and because, as discussed during the conference held on December 20, 2021, *see* ECF No. 663, at 57-60, this Court lacks jurisdiction to address Defendant's conditions of confinement "unless they materially infringe upon the ability to consult with counsel . . . or the exercise of his trial rights."

SO ORDERED.

Dated: December 12, 2022
New York, New York


JESSE M. FURMAN
United States District Judge

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~~BY HAND~~

November 23, 2022

Judge Jesse M. Furman
 U.S. District Judge SDNY
 40 Foley Square
 NY, NY 10007

RE: U.S. v. Schulte, 17 CR 548 (JMF)

Dear Judge Furman,

^{Monday}
 Beginning ~~Monday~~, December 19, 2022, I am engaging
 in a hunger strike for an end to this barbaric indefinite
 solitary confinement. ~~and I am engaging in a hunger strike for an end to this barbaric indefinite solitary confinement.~~

For the past 4 years I have been tortured in an American
 concentration camp — which is in no way an exaggeration.
 Confined to a parking space or two for 24 hours a day, 7 days a
 week; speakers blasting 24/7; bright interminable lights 24/7;
 starvation from skipped meals and reduced food; and NO access to
 normal leisure activities afforded every DEATH ROW INMATE in the
 western hemisphere — no library or access to books, no access to television,
 no access to radio, limited to no phone minutes, visiting, commissary,
 recreation, or BOP programs. Absolutely ZERO human contact whatsoever.

We are to spend our time — 24 hours each day, every day, sitting in
 our torture cages twiddling our thumbs. It is maddening. It is
 unimaginable pain and suffering. It is immoral; despicable; and
 downright evil and inhuman. No human being is meant to live his
 entire life in a steel and concrete box the size of a parking space
 with no outside contact. There are laws against this treatment — if I
 were a dog or other animal. But when the United States imposes this
 torture on man, then it's called "justice".

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In the 1985 book "The Body in Pain: The Making and Unmaking of the World" by Elaine Scarry, "To have great pain is to have certainty; to hear about pain is to have doubt." None can ever truly understand the horror and evil of INDEFINITE SOLITARY CONFINEMENT unless they experience it themselves. There is no comparison whatsoever. Charles Dickens wrote that "very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers... I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body... because its wounds are not upon the surface, and it excites few cries that human ears can hear." French historian Alexis de Tocqueville added that solitary "devours the victims incessantly and unmercifully; it does NOT reform, it kills." And the Fourth Circuit recently noted in *Porter v. Clarke*, 923 F.3d 348, 356 (4th Cir. 2019), "Scientific research, regardless of methodology, has produced strikingly consistent results: the deprivation of meaningful social contact and positive environmental stimulation characteristic of solitary confinement subjects prisoners to grave psychological and physiological harms."

I want to die. I can actually feel myself losing my mind through this torture. I have not known an atom's worth of joy or happiness, but only abject pain and suffering. Truly, this torture is worse than any torment of the body. I would gladly switch places with any Jew at Auschwitz in 1942 — at least they were allowed to die. I would be the first in line at the gas chamber, and enthusiastically put my mouth on the nozzle to gulp down as much as possible. I would voluntarily take the suffering and a painful death over the interminable torture of a painful life in solitary confinement — some things are far worse than death. I want to die.

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And all this has nothing to do with the wrongful convictions—I have no doubt these would be overturned on appeal—if I were ever permitted to live that long. But the torture of another 2-3+ years tortured in this concentration camp waiting for "justice" is just too much to bear. No matter what a person has done, or what this vile government claims a person has done,
NO HUMAN BEING DESERVES THIS TORTURE nor does any crime warrant it.

It is nearly 2023, and well-established that long-term solitary is a barbaric form of torture that causes both physiological and psychological damage. You could easily order the SHUs unit to be a restricted, open unit like a CMU. Will your legacy be forever marred by your decision to torture me? Heartless, immoral, and notorious as the Plessy v. Ferguson Court? Or enlightened and humane as the Brown v. Board of Education Court? On the day of judgment when you go before God, the judge of the judges, will He congratulate you for torturing and murdering me? Will God permit you to argue based on Man-made U.S. precedent or will you be judged based on the laws of God?

All I ask is to be treated humanely; to be treated like a human being. Is that really so much to ask? Is it worth murdering a man simply because you believe him to be guilty of some crime?

11/23/22 Josh Schulte
 for felh

post scriptum: Even if you do not believe in God on the last day,
 your conscience should still tell you that torture is

ALWAYS WRONG

Josh Schulte # 79471054

MDL
P.O. Box 324002

Brooklyn, NY 11232

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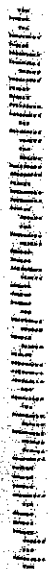
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ATTN: U.S. v. Schulte, 17CR548 (MF)
Pro Se Intake Office
U.S. District Court SDNY
500 Pearl Street
New York NY 10007

USMP3
SDNY

10007-131608



Via Hand
 U.S.D.J. Jesse Furman
 40 Foley Square
 NYC, NY 10007

December 1, 2022

RE: U.S. v. Schulte, 17 CR 548 (JMF)

Dear Judge Furman:

The effects of indefinite solitary confinement imposed by the government disproportionately effect those of us who are poor than the rich. Like El Chapo at MCC, the wealthy accused drug kingpin in the SAMs unit here at MDC (~~at MCC~~) can pay for and afford human contact, whereas those of us who are poor cannot. He goes into the attorney visit room at BAM, remains until lunch, eats lunch, returns to the attorney room until dinner, eats dinner, then returns to the attorney room until lockdown at 9:30 PM. El Chapo did this very thing at MCC just to stay sane; those who are rich can pay for human contact to stave off the detrimental, permanent effects of indefinite solitary confinement. Indeed, if I were rich, I would do the same exact thing. But I am not rich, I am poor. I cannot afford a lawyer or to pay a gaggle of paralegals to entertain me all day. In fact, my free lawyers never visit or call me — the attorney assigned in July has yet to contact me — I don't even know his name. The rich receive more contact in a single day than I have ever received by all my attorney visits combined in the 5 years I've been tortured in solitary.

Ultimately, the results are a legal system and punishment directly related to one's wealth. Is this Due Process? Is this right and just? Is a justice system based solely on wealth moral? The rich can afford to be placed into solitary while the poor disproportionately suffer unbearable and irreversible torture.

Nearly every Nobel Peace Prize laureate in modern history, along with the UN, the entire field of psychology, Supreme Court justices, and Courts of Appeals all agree that indefinite solitary confinement is a form of torture, reprehensible and indefensible. Nelson Mandela wrote in his 1994 autobiography "Long Walk to Freedom," in which President Bill Clinton wrote a forward in 2013, about his very brief experience with solitary confinement:

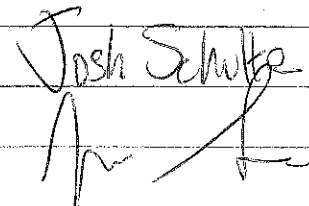
"For the next ~~four~~ few weeks, I was completely and utterly isolated. I did not see the face or hear the voice of another prisoner. I was locked up for twenty-three hours a day, with thirty minutes of exercise in the mornings and again in the afternoon. I had never been in isolation before, and every hour seemed like a year. There was no natural light in my cell; a single bulb burned overhead twenty-four hours a day. I did not have a wristwatch and I often thought it was the middle of the night when it was only late afternoon. I had nothing to read, nothing to write on or with, no one to talk to. The mind begins to turn in on itself, and one desperately wants something outside of oneself on which to fix one's attention. I have known men who took half-a-dozen lashes in preference to being locked up alone. After a time in Solitary, I relished the company even of the insects in my cell, and found myself on the verge of initiating conversations with a cockroach... Nothing is more dehumanizing than the absence of human companionship."

And that was after 2 weeks of Solitary! If you believe Nelson Mandela is a liar and a fraud, then I invite you to experience 2 more weeks of Solitary to disprove that notion.

There is no one on the side of torture except Satan and evil. Even if you care of nothing and no one but yourself, you must clearly see that both the public and the courts are recognizing the effects and rejecting Solitary. How will your decision in support of solitary and torture be perceived 5, 10 years from now when legislatures and courts have outright banned the practice?

The solution and way forward is simple. Convert the SHS unit into a security unit like a CMU; the government keeps all their harsh sanctions and restrictions, but we are allowed out in our own separate unit to ~~be~~ have human contact amongst ourselves.

All I ask is to be treated like a human being, to be afforded the same human contact that I could buy if only I were rich.

12/1/22 Josh Schulte


Tosh Schulte #79471054
MDC
P.O. Box 324002
Brooklyn, NY 11232

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